

Nam-young KIM  
Appl. No. 09/937,502  
March 10, 2004

### REMARKS

Applicant's attorney wishes to thank the Examiner for the interview courteously granted on March 10, 2004. During the interview, the amendments to claims 1 and 7 were discussed with the Examiner and she agreed that they clarified the structural relationships between the can portions. Additionally, as set forth in the Interview Summary, the Examiner recognized that the proposed amendments to claims 1 and 7 appear to overcome the art of record. The Examiner indicated that an updated search would be performed upon the filing of an Amendment and reconsideration of the amended claims.

Claims 1-3, 5-9 and 18 stand finally rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cortez (U.S. 5,535,911). It is submitted that claims 1-3, 5-9 and 18, as amended herein, are not anticipated or rendered obvious by the teachings of the Cortez reference.

In the can of Cortez, the top is opened by first applying downward pressure on a first pressure point 44 which separates the lid and moves it upwardly. Thereafter, downward pressure is applied to a second pressure point 46 to push the lid into the can to allow the contents to be freely poured therefrom. The construction and operation of the can of Cortez are significantly different from that of the subject invention, as recited in the amended claims 1-3, 5-9 and 18.

The amended claims all recite a recessed thimble portion and the destruction of the notch portion by lateral movement of the thimble portion away from the notch portion

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and toward the wrinkled portion to bend it in a wave shape. Further, the amended claims call for the thimble portion as being adjacent to or near the notch portion, and also the lateral movement of the thimble portion away from the notch portion to destroy it as providing an opening in the seal member through which the contents of the main body can be dispensed without further manipulation of the seal member. These novel recitations clearly are not shown or suggested by the teachings of Cortez. There are additional limitations in the dependent claims that further differentiate from Cortez, such as the initial destruction portion called for in claims 2 and 3, and the beverage flow guiding portion called for in claims 6 and 9. Claim 18 further recites that the wrinkled portion is formed at an inclined portion of the seal member to facilitate lateral movement of the thimble portion.

In view of the above-amendments and remarks, it is submitted that claims 1-3, 5-9 and 18 are allowable over the teachings of Cortez and the other cited references. Formal allowance of these claims is earnestly solicited.

Respectfully submitted,

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